

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEVON CLARK,

Defendant.

---

**DECISION AND ORDER**  
20-CR-29-A

The defendant, Devon Clark, is charged in a Superseding Indictment (Dkt. No. 24) with one count of Conspiracy to Possess With Intent to Distribute, and to Distribute, Controlled Substances, in violation of 21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A), 841(b)(1)(B), 841(b)(1)(C), and 841(b)(1)(D) (Count 1), one count of Possession of 40 Grams or More of Fentanyl with Intent to Distribute, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B) (Count 4), one count of Possession of Cocaine with Intent to Distribute in violation of Title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (Count 5), and one count of Maintaining a Drug Involved Premises in violation of 21 U.S.C. § 856(a)(1) (Count 6). The case was referred to Magistrate Judge H. Kenneth Schroeder, Jr. pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings.

On December 3, 2021, the Magistrate Judge filed a Report, Recommendation and Order (“R&R”) (Dkt. No. 315) that recommends that defendant Clark’s motion to suppress evidence (Dkt. No. 252) be denied, and that defendant Clark’s motion seeking an order requiring the Government to provide copies of the *in camera* notes

and recordings made by two state court judges (Dkt. No. 252), also be denied.<sup>1</sup> No objections to the R&R were filed, and the R&R was therefore deemed submitted. Because there were no objections to the R&R, the Court reviews the R&R on clear error review.

The Court adopts the reasoning of the Magistrate Judge in full and deems no further discussion necessary.

Upon clear error review pursuant to 28 U.S.C. §636(b)(1), and for the reasons set forth in the R&R and outlined above, it is

**ORDERED** that defendant Clark's motion to suppress (Dkt. No. 252) and motion for production of the state court judges' *in camera* notes and recordings (Dkt. No. 252) are denied.

**IT IS SO ORDERED.**

*s/Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: January 26, 2022

---

<sup>1</sup> Magistrate Judge Schroeder conducted an *in camera* review of the state court judges' *in camera* hearings, effectively granting the alternative relief requested by defendant Clark. See Dkt. Nos. 290, 291; Dkt. No. 315, pp. 2-3 and n.2.